THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22418 OF 2005

Dated: 01-02-2006

Between

P. Sai Babu, S/o. P.V. Narsimha Rao,

R/o. Plot No.29, Union Bank Colony,

Road No.3, Banjara Hills, Hyderabad.

...PETITIONER

AND

The State of Andhra Pradesh,

P.S. Sanjeevareddy Nagar,

Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioner is the accused in C.C.No.1170 of 1998 on the file of the IV Metropolitan Magistrate, Hyderabad. The said CC was filed by the complainant who is the second respondent herein against the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, (for short 'the Act'). The learned Magistrate by order dated 12.10.2001 held the petitioner guilty and convicted him for the offence under Section 138 of the Act and directed him to suffer simple imprisonment for six months and to pay the compensation of Rs.15,000/- to the complainant as the cheques issued by the petitioner were dishonoured. As against the said order petitioner filed Crl.A.No.380 of 2001 on the file of the I Additional Metropolitan Magistrate Sessions Judge, Hyderabad, which was also

dismissed by judgment dated 24.01.2002. Aggrieved by the same, the petitioner filed Crl.RC.No.87 of 2002 on the file of this Court.

This Court by order dated 20.06.2005 considering the circumstances partly allowed the revision.

In view of the fact that this Court considered all the points in a regular revision case, I am of the opinion that it is not open for the petitioner to file a Writ of Certiorari under Article 226 of the Constitution of India to quash the said criminal proceedings. Therefore, the writ petition is misconceived and not maintainable.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

February 1, 2006

DSK